

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GARRY DAVID SWARTZWELDER )  
Petitioner, )  
v. )  
JON D. FISHER and THE ATTORNEY )  
GENERAL OF THE STATE OF )  
PENNSYLVANIA )  
Respondents. )

Civil Action No. 13-1059

**ORDER**

ARTHUR J. SCHWAB, District Judge.

In a Report and Recommendation [ECF No. 22] filed on January 16, 2014 it was recommended that petitioner's habeas corpus petition be dismissed and that a certificate of appealability be denied. Petitioner was served with a copy of the Report and Recommendation and was granted until February 3, 2014 to file objections to the Report and Recommendation and filed objections thereto on February 3, 2014. *See* Obj. [ECF No. 23].

After a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, and pleadings thereto, the following order is entered:

AND NOW this 4<sup>th</sup> day of February, 2014,

IT IS HEREBY ORDERED that petitioner's habeas corpus petition is DISMISSED, and a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Robert C. Mitchell is hereby adopted as the Opinion of the District Court.



Arthur J. Schwab  
United States District Judge

cc: Garry David Swartzwelder  
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